THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26378 of 2005

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Dated:13.12.2005

Between:

P.Irshad Ahmed S./o.Abdul Rasheed
R/o.Narsapur village Siddipet Mandal, Medak district

..... PETITIONER

AND

The Revenue divisional Officer, Siddipet, Medak district, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26378 of 2005

ORDER:

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The petitioner and his predecessors are allegedly in possession of land admeasuring Ac.1.10 guntas in Survey No.424 of Narsapur Village, Siddipet Mandal, Medak District. The land is adjacent to their patta lands in Survey Nos.1044, 1295 and 1296, and the petitioner and his brothers are enjoying the land allegedly by constructing a Poultry farm. The petitioner and his brothers filed W.P.No.23004 of 2004 seeking a declaration to the respondents not to interfere with their possession. This Court disposed of the said writ petition on 13.12.2004 observing that the Government cannot take any action against them without following the procedure prescribed by law. This Court also directed the respondents not to dispossess the petitioners, if they are in possession of the land. Be that as it is, the petitioner and his brothers made a representation on 03.06.2005 to the third respondent requesting to issue patta in respect of the land, as it was promised to them earlier, in vain. It is further alleged that the respondents are making efforts to

evict the petitioners forcibly, and therefore, the present writ petition is filed again seeking a writ of mandamus declaring the action of the respondents in trying to evict the petitioner without following due process of law, as illegal and arbitrary.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). The learned Assistant Government Pleader, after getting instructions submits that the petitioner and his brothers are owners of patta lands, which are adjacent to the Government land in Survey No.424, and therefore, they are not entitled for assignment of the land. He further submits that the land is not in possession of the petitioner or his brothers and house site pattas were granted in favour of third parties in survey No.424. This is, however, denied by the learned Counsel for the petitioner.

A reading of the order passed by this Court in W.P.No.23004 of 2004, dated 13.12.2004, would show that the petitioners therein consistently claimed the land in Survey No.424 to be in their possession over several decades, and this Court having regard to the same, directed the respondents/revenue officials not to dispossess the petitioners without following due procedure prescribed by law. It is now submitted by the learned Assistant Government Pleader that the petitioner and his brothers were already dispossessed and house site pattas are granted. If that be so, nothing prevents the Mandal Revenue Officer, the third respondent herein, to pass appropriate orders on the representation made by the petitioner on 03.06.2005.

Accordingly, the writ petition is disposed of directing the third respondent to pass appropriate orders on the representation made by the petitioner and his four brothers on 03.06.2005, within a period of two weeks from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

13.12.2005

Note: Issue C.C by 16.12.2005.

B/o.

vs